



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1838
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

ANDREA SHERIDAN ORDIN
County Counsel

December 20, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTL 
Senior Assistant County Counsel

RE: **Claim of Rita Chambers**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Claim of Rita Chambers, in the total amount of \$111,065.90 and instruct the Auditor-Controller to draw a warrant in the amount of \$93,997.22 to implement this settlement from the Department of Public Works' budget.

This claim seeks compensation for damage caused by a sewer back-up.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Rita Chambers
CASE NUMBER	Non-litigated claim
COURT	N/A
DATE FILED	December 24, 2008
COUNTY DEPARTMENT	Public Works – Branch 5 Sewer Maintenance
PROPOSED SETTLEMENT AMOUNT	\$ 111,065.90
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This non-litigated claim involves property damages arising from a sewer backup at the residence of Rita Chambers located in Rancho Palos Verdes. A County sewer crew investigated a complaint of a sewer problem and found that wastewater in a sewer mainline manhole was high but not overflowing. When the sewer crew relieved the blockage, the sudden high volume of effluent overburdened the downstream part of the line and caused the effluent to enter Ms. Chambers' home located downstream. The sewage affected the walls, structure and floors and personal



Summary Corrective Action Plan

County of Los Angeles Department of Public Works

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim:	Chris and Rita Chambers
Date of incident/event:	December 16, 2008
Briefly provide a description of the incident/event:	<p>This is a sewage backup incident that occurred at the claimants' home located at 30218 Via Rivera, in the City of Rancho Palos Verdes. The wastewater overflowed into the claimants' home, damaging the lower-level interior of the property as well as their personal items.</p> <p>Public Works responded and a sewer maintenance crew confirmed the existence of a main sewer line blockage created by tree roots between Manhole Nos. 488 and 513. The crew rodded the main sewer line and broke down a root stoppage.</p>

1. Briefly describe the root cause of the claim/lawsuit:

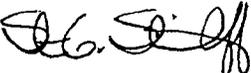
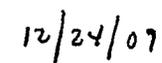
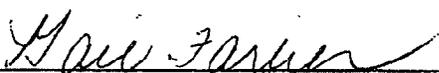
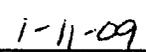
<p>The cause of the sewer backup was due to a root stoppage in the County maintained main sewer line. The crew rodded the main sewer line and broke down the root stoppage. This action resulted in the sudden release of wastewater, which exceeded the capacity of the downstream sewer system causing wastewater to back up and overflow into the claimants' home.</p>

2. Briefly describe recommended corrective actions:
 (Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The segment of the main sewer line, between Manhole Nos. 488 and 513, was placed on a quarterly rodding schedule to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program. Within three months, an investigation will be conducted to determine if the tree whose roots caused the backup can be identified. If it can be determined with strong likelihood that a County-maintained tree, or a tree located within a County easement, caused the main sewer line backup, either directly or by intrusion from a private lateral connection, it will be removed. If it can be determined with strong likelihood that a private tree caused the main sewer line backup, either directly or indirectly through a private lateral connection, the owner will be asked to remove any remaining tree roots as well as consider removing the tree, or be held liable for future incidents.

3. State if the corrective actions are applicable to only your department or other County departments:
 (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator) <div style="text-align: center; margin-top: 10px;">  Steven G. Steinhoff </div>	Date: <div style="text-align: center; margin-top: 10px;">  </div>
Signature: (Director) <div style="text-align: center; margin-top: 10px;">  Gail Farber </div>	Date: <div style="text-align: center; margin-top: 10px;">  </div>

ME:psr

P4:\CHAMBERS SCAP


 Robert Chavez

5/14/10

DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

Received
4/12/2010

CLAIM OF: Chris and Rita Chambers

INCIDENT DATE: December 16, 2008

INCIDENT LOCATION: 30218 Via Rivera, City of Rancho Palos Verdes

RISK ISSUE:

The County may be liable in Inverse Condemnation if a public improvement, operating as intended, is a substantial factor in causing damage to private property.

INVESTIGATIVE REVIEW:

The main sewer line at this location is owned by the City of Rancho Palos Verdes and maintained by the County as part of the Consolidated Sewer Maintenance District (CSMD).

On December 16, 2008, the main sewer line located within the right of way along Via Rivera, in the City of Rancho Palos Verdes, became blocked. Sewer Maintenance Division was notified of the matter and a maintenance crew responded to the location. Upon arrival, they observed that the wastewater level in Manhole No. 513 of Sewer Maintenance District Map S-1491 was high, but not overflowing. The crew rodded the main sewer line between Manhole Nos. 488 and 513 and broke down a root stoppage. The sudden release of the wastewater upstream of the blockage exceeded the capacity of the downstream sewer system causing wastewater to backup and overflow into the claimants' home located at 30218 Via Rivera.

There have been no reported incidents of prior sewage backups at this location.

POLICY ISSUES:

The Consolidated Sewer Maintenance District's maintenance program consists of regular semi-annual inspections of the sewer system and appurtenances, combined with periodic cleaning, repair, and related work as necessary to keep the collection system operating as designed.

CORRECTIVE ACTION:

A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 30218 Via Rivera, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition.

DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

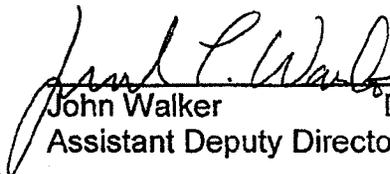
CORRECTIVE ACTION PLAN - CHAMBERS

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In order to prevent recurrences of this type of event, the segment of the main sewer line, between Manhole Nos. 488 and 513, was placed on a quarterly rodding schedule to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program. Within three months, an investigation will be conducted to determine if the tree whose roots caused the backup can be identified. If it can be determined with strong likelihood that a County-maintained tree, or a tree located within a County easement, caused the main sewer line backup, either directly or by intrusion from a private lateral connection, it will be removed. If it can be determined with strong likelihood that a private tree caused the main sewer line backup, either directly or indirectly through a private lateral connection, the owner will be asked to remove any remaining tree roots as well as consider removing the tree, or be held liable for future incidents.

Reviewed & Recommended

Approved


John Walker Date
Assistant Deputy Director 12/23/09


Diego Cadena Date
Deputy Director 1/7/10

ME:psr
P4:1CHAMBERS CAP